

To: Matthews, Joan[Matthews.Joan@epa.gov]
From: Enck, Judith
Sent: Fri 1/8/2016 2:56:52 AM
Subject: Fwd: NYTimes: The Lawyer Who Became DuPont's Worst Nightmare

Sent from my iPhone

Begin forwarded message:

From: David Engel <DEngel@nolanandheller.com>
Date: January 7, 2016 at 12:19:52 PM EST
To: <tau@fmbf-law.com>
Cc: <bilott@taftlaw.com>
Subject: NYTimes: The Lawyer Who Became DuPont's Worst Nightmare

Per our discussion of last evening, here is a link to the NY Times article on Rob Bilott and the PFOA cases in the Ohio Valley. As I suggested last evening, please call Rob and discuss the approach the Village is contemplating with Saint-Gobain. I discussed it with Rob last evening and he expressed concerns about the "interim agreement" approach.

For the reasons we have discussed, you will lose leverage for obtaining broader results once an interim deal is in place. The Company has locked itself in on both bottled water and water treatment (albeit with details to be worked out). Saint-Gobain will risk too much if it attempts to walk away now simply because it is asked to do more with respect to issues such as health monitoring, source identification, and well field relocation.

Further, please ask Rob about the performance standard (treatment goal) for the GAC filter systems. He indicated to me that he has obtained relief where the standard is basically zero and not the 20 PPT value that apparently the Company and the Village are now considering.

As we discussed last evening, a so-called interim deal with a performance goal of 20 PPT will be explicitly rejected by Healthy Hoosick Water and will be characterized as inadequate or worse. I strongly suggest that you have a discussion with the Mayor on this point. You can be certain that HHW will not be shy about raising our concerns in the upcoming public meetings.

Dave

<http://www.nytimes.com/2016/01/10/magazine/the-lawyer-who-became-duponts-worst-nightmare.html?smid=nytcore-ipad-share&smprod=nytcore-ipad>

Rob Bilott was a corporate defense attorney for eight years. Then he took on an environmental suit that would upend his entire career — and expose a brazen, decades-long history of chemical pollution.

Sent from my iPad